

(14)

City Council Committee Meeting as a Whole
Council also acting as Water Pollution Control Authority
DANBURY CITY COUNCIL
BOND ORDINANCE - Wastewater Treatment Plant
July 25, 2016

Honorable Mayor Mark D. Boughton
Members of the City Council

President Cavo called the Committee meeting to order at 7:52 p.m.

COUNCIL MEMBERS PRESENT: Philip D. Curran, Michael J. Esposito, Warren Levy, Colleen Stanley, Gregg Seabury, Andrew Wetmore, Irving M. Fox, John Priola, Joe Cavo, Christopher J. Arconti, John J. Esposito, Duane Perkins, Ben Chianese, Nancy Cammisa, Paul T. Rotello, and Joseph Scozzafava.

COUNCIL MEMBERS ABSENT: Christina Chieffalo recently had a baby; Vincent DiGilio is out of town on business; Thomas Saadi is attending to business; and Fred Visconti and Elmer Palma are at family functions.

PRESENT: 16 ABSENT: 5.

ALSO PRESENT: Laszlo L. Pinter, Deputy Corporation Counsel; Robert J. Yamin, Corporation Counsel; David St. Hilaire, Director of Finance; Sharon Calitro, Planning Director; and Antonio Iadarola, Public Works Director.

BOND ORDINANCE- Public Improvements - An Ordinance Appropriating \$10,000,000 For Improvements, Upgrades And Rehabilitation To The Wastewater Treatment Plant And Facilities System And Authorizing The Issuance Of \$10,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Mr. Boughton responded to Mr. Rotello regarding maintenance, and 12%-28% increase for ratepayers. He responded to Mr. Perkins' question regarding monetizing through different communities. Mr. Wetmore received responses to what would happen if the voters reject it. Mr. Boughton responded to Mr. Scozzafava regarding ratepayers and enterprise funds. He also responded to Mr. John Esposito regarding any potential appeal of the State mandate and what means have been exhausted.

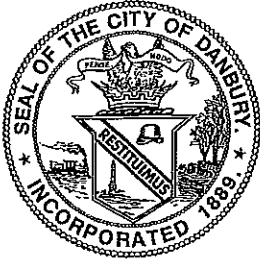
A motion was made by Irving Fox, seconded by Andrew Wetmore, to recommend as the Committee of the Whole and the Water Pollution Control Authority, approval of the Ordinance appropriating \$10,000,000 for Improvements, Upgrades and Rehabilitation to the Wastewater Treatment Plant and Facilities System and authorizing the issuance Of \$10,000,000 Bonds of The City to meet said Appropriation and pending the issuance thereof the making of Temporary Borrowings for such purpose together with the adoption of a Resolution providing for a special City meeting of electors on November 8, 2016. The motion carried unanimously.

The Committee ended discussion of this item at 8:03 p.m.

Respectfully submitted,

Lori Goor

Recording Secretary Attest Mark D. Boughton, Mayor



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2016

Be it ordained by the City Council of the City of Danbury:

AN ORDINANCE APPROPRIATING \$10,000,000 FOR IMPROVEMENTS, UPGRADES AND REHABILITATION TO THE WASTEWATER TREATMENT PLANT AND FACILITIES SYSTEM AND AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$10,000,000 is appropriated for the planning and design of improvements, upgrades and rehabilitation to the wastewater treatment plant and facilities system and for administrative, financing, printing, legal and costs of issuance related thereto.

Section 2. To meet said appropriation \$10,000,000 bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Mayor and the Director of Finance, in the best interest of the City.

Section 3. The bonds shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the Mayor, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all federal and state loans and/or grants-in-aid for the project and is further authorized to expend said funds in accordance with the terms thereof. To meet any portion of the costs of the project determined by the Department of Energy and Environmental Protection to be eligible for funding under Section 22a-478 et seq. of the Connecticut General Statutes (the "Clean Water Fund Program"), the City may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Mayor and the Director of Finance shall determine. The Mayor and the Director of Finance are authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and the Mayor and City Treasurer are authorized to execute and deliver the same. Said obligations shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with and that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to execute and deliver to the State in the name of and on behalf of the City Project Loan and Project Grant Agreements under the Clean Water Fund Program.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital project in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds.

Section 7. The Director of Finance is hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2016

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled "An Ordinance Appropriating \$10,000,000 For Improvements, Upgrades And Rehabilitation To The Wastewater Treatment Plant And Facilities System And Authorizing The Issuance Of \$10,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Council on _____, be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held in conjunction with the general election on November 8, 2016, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.), that the warning of said meeting state the question to be voted on as follows:

1. Shall the ordinance entitled "An Ordinance Appropriating \$10,000,000 For Improvements, Upgrades And Rehabilitation To The Wastewater Treatment Plant And Facilities System And Authorizing The Issuance Of \$10,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the City Council at its meeting held _____, 2016, be approved?

The ballot label for said question shall read as follows:

Shall the \$10,000,000 appropriation and bond authorization for improvements, upgrades and rehabilitation to the Wastewater Treatment Plant and Facilities System be approved?

YES _____

NO _____

The warning shall also state that the full text of the aforesaid ordinance is on file, open to public inspection, in the Office of the Town Clerk, that the vote on the aforesaid bond ordinance is taken under the authority of Section 7-10(a) of the Revised Charter of the City of Danbury and Chapter 152 of the Connecticut General Statutes, as amended, and that absentee ballots will be made available in accordance with law in the Office of the Town Clerk.